

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DIVISION OF AUSTIN**

PIERRE BRAZEAU, Individually and on
Behalf Of All Others Similarly Situated,

Plaintiff,

v.

CASSAVA SCIENCES, INC., REMI
BARBIER, ERIC J. SCHOEN, JAMES W.
KUPIEC, NADAV FRIEDMANN and
MICHAEL MARSMAN,

Defendants.

Case No. 1:21-cv-00751-RP

CLASS ACTION

**MOTION OF STEVE BURMEISTER TO
CONSOLIDATE RELATED ACTIONS,
APPOINT HIM AS LEAD PLAINTIFF
AND APPROVE HIS SELECTION OF
LEAD COUNSEL**

WANDA NEWELL, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

CASSAVA SCIENCES, INC., REMI
BARBIER, and ERIC J. SCHOEN,

Defendants.

Case No. 1:21-cv-00760-RP

KATLYN K. REIN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

CASSAVA SCIENCES, INC., REMI
BARBIER, ERIC J. SCHOEN, JAMES W.
KUPIEC, NADAV FRIEDMANN, and
MICHAEL MARSMAN,

Defendants.

Case No. 1:21-cv-00856-RP

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that on a date and time as may be set by the Court, at the United States District Court for the Western District of Texas, Steve Burmeister (“Mr. Burmeister” or “Movant”) will and hereby does respectfully move this Court, pursuant to Section 21D(a)(3) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSRLA”), for the entry of an Order: (i) consolidating the above-captioned actions; (ii) appointing Mr. Burmeister as Lead Plaintiff on behalf of the putative class (the “Class”) of all persons or entities who purchased or otherwise acquired publicly traded Cassava Sciences, Inc. securities between September 14, 2020 through August 27, 2021, inclusive (the “Class Period”); (iii) approving the Lead Plaintiff’s selection of Kahn Swick & Foti, LLC as Lead Counsel and The Fears Nachawati Law Firm (“Fears | Nachawati”) as Liaison Counsel; and (iv) granting such other appropriate relief as the Court may deem just and proper (the “Motion”).

In support of this Motion, Mr. Burmeister submits the accompanying Memorandum of Law, the Declaration of Matthew McCarley filed herewith, the pleadings and other filings herein, and such other written and oral argument as may be permitted by the Court.

Section 21D of the Exchange Act, as amended by the PSLRA, provides that within 60 days after publication of the required notice, any member of the proposed class may apply to the Court to be appointed as lead plaintiff, regardless of whether it has previously filed a complaint in the underlying action. Consequently, undersigned counsel cannot determine at this time the number or identities of the competing lead plaintiff candidates, if any, at this time and thus cannot confer with opposing counsel. Accordingly, Mr. Burmeister respectfully requests that the

conference requirement of Local Court Rule CV-7(g) be waived for this motion.¹

Respectfully submitted,

Dated: October 26, 2021

By: /s/ Matthew R. McCarley

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-and-

¹ Defendants lack standing to oppose the appointment of a particular lead plaintiff. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(II) (the presumption of the most adequate plaintiff may only be rebutted on a showing by another “member of the purported plaintiff class”); *Gluck v. CellStar Corp.*, 976 F. Supp. 542, 550 (N.D. Tex. 1997) (“The statute is clear that only *potential plaintiffs* may be heard regarding appointment of a Lead Plaintiff [. . .] it is clear that Defendants have no standing to oppose the appointment of Lead Plaintiff at this stage of the litigation.”).

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(*pro hac vice to be submitted*)
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*Counsel for Movant Mr. Burmeister, and
Proposed Lead Counsel for the Putative
Class*

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Matthew R. McCarley
MATTHEW R. MCCARLEY